

Notice of Allowability	Application No.	Applicant(s)	
	10/658,737	MITCHELL ET AL.	
	Examiner	Art Unit	
	Patricia L. Nordmeyer	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment after Non-Final Rejection received on May 15, 2006.
2. ☒ The allowed claim(s) is/are 1-4, 6-12, 14 and 22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☒ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20060613</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Drawings

1. The drawings were received on September 9, 2003. These drawings are accepted by the Examiner.

Oath/Declaration

2. Applicant is now required to submit a substitute declaration or oath to correct the deficiencies set forth here within. The oath contains an incorrect priority date for the provisional application filed. The oath states that the provisional was filed 9 September 2003, while the office records state that the provisional was filed 9 September **2002**. The substitute oath or declaration must be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability" (PTO-37). Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136. Failure to timely file the substitute declaration (or oath) will result in **ABANDONMENT** of the application. The transmittal letter accompanying the declaration (or oath) should indicate the date of the "Notice of Allowance" (PTOL-85) and the application number in the upper right hand corner.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

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1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Patrick J. Fleis on June 13, 2006.

The application has been amended as follows:

In specification, page 1, line 5, "2003" has been deleted and replaced by --2002--.

Claims 15 – 21 have been cancelled.

In claim 1, line 8, "being formed by adhering" has been deleted and replaced by --formed by--.

In claim 1, line 9, "to said" has been deleted and replaced by --adhered to--.

In claim 1, line 9, "subsequently adhering" has been deleted.

In claim 1, line 10, "to said" has been deleted and replaced by --adhered to--.

In claim 1, line 11, "being" and "being adapted and" has been deleted.

In claim 1, line 12, "thereby allowing said strap" has been deleted and replaced by --wherein said strap is allowed--.

In claim 9, line 8, "adhering" has been deleted.

In claim 9, line 9, "to said" has been deleted and replaced by --adhered to--.

In claim 9, line 9, "subsequently adhering" has been deleted.

In claim 9, line 10, "material" has been deleted and replaced by --adhered to said second piece of fabric--.

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In claim 9, line 10, “being sized ” has been deleted and replaced by --sized--.

In claim 9, line 10, “channel being ” has been deleted and replaced by --channel--.

In claim 9, line 11, “adapted and” has been deleted.

In claim 9, line 11, “thereby allowing said” has been deleted.

In claim 9, line 12, “strap” has been deleted and replaced by --wherein said strap is allowed--.

In claim 22, line 6, “being” has been deleted and replaced by --having--.

In claim 22, line 15, “being formed by adhering” has been deleted and replaced by --formed by--.

In claim 22, line 16, “to said” has been deleted and replaced by --adhered to--.

In claim 22, line 16, “subsequently adhering” has been deleted.

In claim 22, line 17, “material” has been deleted and replaced by --adhered to said second piece of fabric--.

In claim 22, line 18, “being” has been deleted.

4. The following is an examiner’s statement of reasons for allowance:

The closest prior art of record fails to teach or suggest the recited fabric securing system.

Independent claims 1, 9 and 22 identify the uniquely distinct features of a fabric securing system that includes the combination of a clothing strap and piece of fabric along with a flexible material that forms a channel for the clothing strap by adhering a first section and a second section of the flexible material to the second piece of fabric, wherein the channel is sized to

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slidingly secure the clothing strap. The closest prior art of record, Saferstein et al. (USPN 4,616,644) and Delmore et al. (USPN 5,939,339), disclose a flexible material with adhesive, which either singularly or in combination, fail to anticipate or render obvious the above combination of the flexible material with a clothing strap and piece of fabric.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 7:00-4:30 & alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patricia L. Nordmeyer
Examiner
Art Unit 1772

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pln

[Signature]
HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

6/19/06